IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

Bail Appl..No. 1945 of 2007()

CRIME NO.81/2007 OF CHANDERA POLICE STATION

PETITIONERS

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1. P.N.RAFEEQUE,AGED 25 YEARS,S/O.LATHEEF, MALIKAYIL VEEDU,PADANE P.O,PADANE VILLAGE, HOSDURG TALUK,KASARGOD DISTRICT.

2. S.C.ABDULLA,AGED 25 YEARS,S/O.MUHAMMED KUNHI,S.C HOUSE,NEAR PADNE G.U.P.S,PADANE P.O, PADANE VILLAGE,HOSDURG TALUK,KASARGOD DISTRICT.

BY ADV. SRI.K.P.HARISH

RESPONDENTS:

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1. STATE REPRESENTED BY PUBLIC PROSEUCOTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. THE STATION HOUSE OFFICER, (CRME NO.41 OF 2007 OF CHENDERA POLICE STATION) KASARGOD DISTRICT.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

Bail Application No. 1945/2007

Dated this 30th day of March, 2007

O R D E R

The petitioners, seek anticipatory bail on the allegation that Chandera Police are at their heels in connection with Crime No.81/2007 registered for offences punishable under Sections 52-A and 68-A of the Copy Right Act, 1957.

2. The case of the prosecution is that on 17.3.2007, 46 allegedly pirated C.Ds were seized from a shop conducted by the second petitioner.

3. The learned Public Prosecutor submitted that the second petitioner, who was originally arrayed as the second accused, has been deleted from the party array and the first petitioner alone is the surviving accused in the case. He opposed the application for anticipatory bail by the first petitioner.

4. In as much as this Court has granted anticipatory bail in other cases involving similar offence, I do not see any ground to treat the first petitioner differently.

5. Accordingly, a direction is issued to the Investigating Officer to release the first petitioner on bail for a period of one

month in the event of his arrest in connection with the above case on his executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction to the Investigating officer and subject to the following conditions:

(a). First petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

(b). First petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(c). First petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

(d). First petitioner shall not commit any offence while on bail.

(e). First petitioner shall surrender before the Magistrate concerned and seek regular bail in the meanwhile.

6. If the first petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

The application is allowed as above.

V.RAMKUMAR,
JUDGE

mrcs